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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,491	01/15/2004	Dong Woog Seo	50863/RVW/C1015	7670
23363	7590	11/19/2007	EXAMINER	
CHRISTIE, PARKER & HALE, LLP			HAWK, NOAH CHANDLER	
PO BOX 7068			ART UNIT	
PASADENA, CA 91109-7068			PAPER NUMBER	
			3636	
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			11/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/759,491

Applicant(s)

SEO, DONG WOOG

Examiner

Noah C. Hawk

Art Unit

3636

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 18 September 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) 1, 18, 19 and 28-30 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 6-9, 12, 17 and 24-27 is/are allowed.
- 6) ☒ Claim(s) 1-5, 11, 13-16, 20-23, 31 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

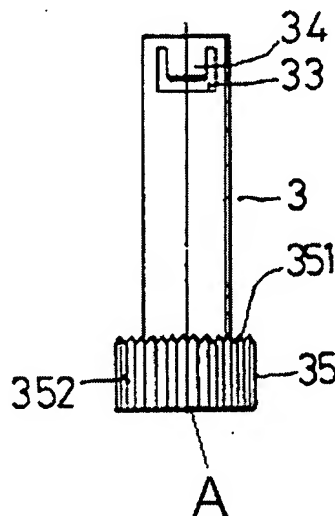
### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 11, 13-16 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. in US Publication 2002/0074032 in view of Chiu in US Patent 5062178. Park teaches a collapsible canopy frame having a plurality of elongated side poles (37) having a vertical side and an end and a plurality of wheel assemblies (39). Park fails to teach that the wheel assemblies have a mounting post. Chiu teaches a wheel assembly having a wheel (1) and a mounting post (2) extending transverse to the pole (4) on which it is supported. Chiu further teaches that the wheel assembly is removably supported on the pole (the fact that the wheel is not integral to the pole is sufficient to indicate removability), that the mounting post extends through the side of the pole (through hole 411), that the assembly further comprises a bracket comprising a foot bracket (3), the bracket having an opening (in 35) aligned with an opening (411) in the pole, that the mounting post is removably secured in the bracket (the fact that the mounting post is not integral to the bracket is sufficient to indicate removability). Chiu further teaches that the foot bracket comprises a first side surface (33) and a second side surface (A), the first side surface having a first opening (31)

therethrough, receiving the mounting post (Best seen in Figure 4) and including at least one resilient tongue (32) which engages a recess (21) in the mounting post. It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Park et al. by using an assembly as taught by Chiu to attach a wheel to each of the poles of the canopy device in order to provide a removable wheel assembly for the user. Park, as modified, also teaches that each elongated pole has first and second vertical sides (each leg has multiple sides). Park, as modified, would necessarily have the mounting post of the wheel assembly extending through an opening in a first side toward a second side of the pole.



Chiu, Figure 3A

3. Claims 20-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Park et al. in US Publication 2002/0074032 in view of Chiu in US Patent 5062178. Park

teaches a collapsible canopy frame having a plurality of elongated side poles (37) having a side and an end and a plurality of wheel assemblies (39) at the ends of the poles. Park fails to teach that the wheel assemblies have a mounting post. Chiu teaches a wheel assembly having a wheel (1) and a mounting post (2) extending transverse to and through the side (through hole 411) of the pole (4) on which it is supported. Chiu teaches a bracket (3) mounted at the end of each pole comprising an opening (31) aligned with an opening (411) in the pole. Chiu further teaches that the wheel assembly is removably supported on the pole (the fact that the wheel is not integral to the pole is sufficient to indicate removability), that a portion of each bracket is disposed in the interior of the pole (Best seen in Figure 4) and that the mounting post is removably secured to the bracket (the fact that the mounting post is not integral to the bracket is sufficient to indicate removability). It would have been obvious to one of ordinary skill in the art at the time of invention to modify the device of Park et al. by using an assembly as taught by Chiu to attach a wheel to each of the poles of the canopy device in order to provide a removable wheel assembly for the user.

#### ***Allowable Subject Matter***

4. Claims 6-9, 12, 17 and 24-27 are allowed.

#### ***Response to Arguments***

5. Applicant's arguments filed 9/18/07 have been fully considered but they are not persuasive.

6. Regarding the combination of Park and Chiu: Park is silent on details of the mounting scheme of the wheel assembly. Chiu is merely used to teach a mounting arrangement for the wheel assembly. Chiu teaches a wheel mounted transversely to an element with a rectangular cross section, which is then applied to the elongated poles of Park. The "ring" element of the Chiu device need not be considered, as it is inconsequential to the wheel assembly per se.

7. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Park is substantially silent on the mounting arrangement of his wheels and Chiu teaches a wheel mounting arrangement.

### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the


shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Noah C. Hawk whose telephone number is 571-272-1480. The examiner can normally be reached on M-F 9am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NCH  
NCH  
11/14/07

  
DAVID DUNN  
SUPERVISORY PATENT EXAMINER